

**COMPLAINT INVESTIGATION
LYON COUNTY SCHOOL DISTRICT
(#LY093011)**

Report Issued on 11/7/11

INTRODUCTION

On 9/30/11 and 10/4/11, the Nevada Superintendent of Public Instruction received complaints dated 9/29/11 and 10/3/11 respectively that were consolidated by the Nevada Department of Education (NDE) into one complaint. Hereinafter, "Complaint" will reference both the 9/30/11 and 10/4/11 complaints.

An investigation team was appointed to examine the allegation that the LCSD allowed the student to use the Internet when the individualized educational program (IEP) prohibited use of the Internet by the student.

The parent also requested, in the filing of the Complaint, that the district not perform certain tests or assist in the student's standardized testing. The parent was informed that these requests referenced prospective actions of the district and therefore were not under the jurisdiction of the NDE to investigate under the special education complaint process.

COMPLAINT ISSUES

The allegation articulated in this Complaint, and further clarified by interviews and a review of documents, raised the following issue under the jurisdiction of the NDE for the time period 8/29/11–9/30/11:

Issue: Whether the LCSD complied with federal and state requirements to implement the student's IEPs with regard to using the Internet in the classroom.

PERSONS PROVIDING INFORMATION

The investigation team reviewed information received from the following people:

- Parent
- Student's special education teacher

DOCUMENTS REVIEWED

The documents reviewed by the investigation team included the following:

- IEPs dated 9/8/11 and 9/29/11 (IEPs)
- LCSD Student/Parent Technology Agreement (Technology Agreement)

The investigation team also reviewed the following authorities:

- Nevada Administrative Code (NAC), Chapter 388
- Individuals with Disabilities Education Act (IDEA) Regulations, 34 C.F.R. Part 300

FINDINGS OF FACT

This investigation involved LCSD elementary school student eligible for special education services under the category "other health impairment". A review of the information received revealed the facts set forth below.

The parents of all students at the student's school received a copy of the Technology Agreement at the beginning of the school year. Parents were asked to agree or disagree with their children having access

to the Internet at school, for other than “class directed group demonstrations”. The parent indicated that she did not want the student to have access to the Internet at school.

Nothing in the student’s IEP addressed Internet access.

CONCLUSIONS OF LAW AND REASONS

Issue: Whether the LCSD complied with federal and state requirements to implement the student’s IEPs with regard to the use of the Internet.

This Complaint concerned an allegation that the district allowed the student to use the Internet which was prohibited by the student’s IEP.

State regulations at NAC §388.281(6)(g) require that the school district shall “provide the services and instruction deemed necessary for the pupil by the [IEP] committee.”

In this case, the student’s IEPs did not address the use of the Internet by the student. The NDE, under the special education complaint process, does not have jurisdiction over the enforcement of the Technology Agreement provided to all students in the LCSD.

Therefore the complaint investigation team concluded that the LCSD complied with state requirements to implement the student’s IEPs with regard to the use of the Internet.